

HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES ^{LLP}

112 MADISON AVENUE
NEW YORK, NEW YORK 10016-7416
www.hanlyconroy.com

ANDREA BIERSTEIN (NY & MA)
(212) 784-6403
MITCHELL M. BREIT (NY, NJ & VA)
(212) 784-6422
JAYNE CONROY (NY, DC & MA)
(212) 784-6402
CLINTON B. FISHER (NY & DC)
(212) 784-6446
PAUL J. HANLY, JR. (NY & TX)
(212) 784-6401
STEVEN M. HAYES (NY)
(212) 784-6414
THOMAS I. SHERIDAN, III (NY)
(212) 784-6404

TELEPHONE (MAIN)
(212) 784-6400

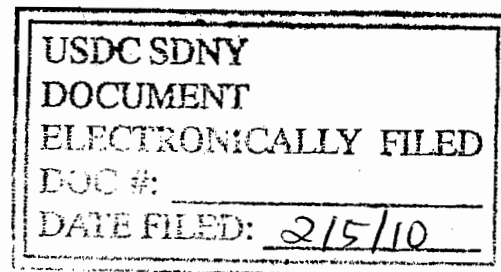
TELECOPIER
(212) 213-5949

EMAIL
shayes@hanlyconroy.com

January 27, 2010

VIA HAND DELIVERY

Hon. Deborah A. Batts
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 24B
New York, NY 10007-1312



RE: 1:08-cv-11327-DAB Cariou v. Prince et al.

MEMO ENDORSED

JAN 28 2010

Dear Judge Batts:

I write on behalf of Defendants, Richard Prince, Gagosian Gallery and Lawrence Gagosian¹ to request an extension of the discovery time period, currently expiring on February 1, 2010, for the purpose of completing expert discovery. This is the first request for such an extension. Following a meet and confer, Plaintiff's counsel advised that he is not prepared to consent to this extension.

Defendants have retained two experts. The first of these is Nancy Spector, who is a Deputy Director and Chief Curator of the Guggenheim Museum in New York. Ms. Spector's report and testimony would deal with the history of appropriation art, Mr. Prince's place within that artistic tradition and the differences of artistic expression between Plaintiff Patrick Cariou and Defendant Richard Prince. The other expert would be Jacqueline Silverman, President of Jacqueline Silverman & Associates, Inc., an L.A.-based appraisal firm, who would provide a report regarding, *inter alia*, the commercialization and value of Mr. Cariou's images. In regard to Ms. Silverman's report, it became apparent during the deposition of Mr. Cariou on January 12, 2010 that it would be necessary to depose Christiane Celle, who owns a photo art gallery in New York, in order for Ms. Silverman to prepare her

SO ORDERED

¹ I understand that Rizzoli is no longer a party to this action having settled with Mr. Cariou.

MEMO ENDORSED

Deborah A. Batts
DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE

*denied
DAB
2/5/10*